

1609/5179.

THE DUTY
OF
Surveyors of the Highways;
IN A
CHARGE,
TO BE
DELIVERED TO THEM
AT THEIR
APPOINTMENT,
BEING FIRST SIGNED AND SEALED
BY THE
JUSTICES,
IN THEIR PETTY SESSIONS,
Appointed to be held in the Week next after the
Michaelmas General Quarter Sessions, yearly;
ON A SIMILAR PLAN WITH
THE DUTY OF CONSTABLES,
AND
THE DUTY OF OVERSEERS.

BY A COUNTRY-MAGISTRATE.

LONDON:

PRINTED FOR, AND SOLD BY, MESSRS. FAULDER,
ROBINSON, AND GARDNER.

1798.



TO THE
NOBILITY, GENTRY, YEOMANRY, AND
COMMONALTY OF ENGLAND,
WHO ARE ALL INTERESTED IN THE
PRESERVATION AND GOOD CONDITION
OF THE
PARISH-HIGHWAYS,
THIS SHORT ABSTRACT
OF THE LAWS RELATING TO
The Duty of Surveyors of the Roads within
their respective Parishes,

IS INSCRIBED,

BY

Their most faithful and obedient Servant,

THE EDITOR.

1609/5179.

79

P R E F A C E.

SO many of the comforts of life, as well as the blessings of social intercourse, depend on the Preservation of the public Highways in good Repair, that we wonder not to find that this object hath engaged much of the attention of the Legislature. The benefits, indeed, of safe and easy communication between one part of the country and another, extend far beyond the facility of ordinary intercourse : the advantages of Commerce, and the encouragement of Agriculture, are very materially promoted by a due attention to the ease and safety of conveyance of the several commodities, produced by the industry of the Farmer, or the ingenuity of the Manufacturer. The provisions in the several Statutes respecting the Highways, are every way calculated to
answer

answer the purpose; but either the self-interest, or the indolence, or the various other engagements of those, to whom the superintendence of the work is generally committed, operates to the great disadvantage of private Roads. To these we may add the want of judgment in the Parish-Surveyor, who, perhaps, may be well enough disposed to do his duty, without sufficient knowledge to direct him to do it in the best and properest manner. With a view to his carrying the laws relating to the Parish Highways into full effect, it has been customary to put into the hands of the Officer, on his appointment, what is usually called a Warrant, or Charge; which is an Abstract of the Statutes 13 G. III. c. 78. and 34 G. III. c. 74. with full directions for his conduct in every particular. But these instructions are delivered in a way in which they have seldom been found to answer the purpose: they are contained in a broad sheet, ill printed, on a bad paper, with a very small type; the matter very much crowded, the several articles difficult to be distinguished, and the whole but badly calculated to engage the

the

the attention, or satisfy the enquiries of the Surveyor, respecting his duty. A recent publication of this kind from *Ipswich*, it is acknowledged, has, in several respects, amended the matter; but this is not without its objections. The print is exceedingly small, though much clearer than most of the Surveyors' Warrants, and on a much better paper. Now it is to be considered, that persons in the line of life in which they are occupied, who have the care of the Highways, are generally men somewhat advanced in years, and men whose time, during the course of the day, is fully engaged by their own business abroad: their only leisure is in an evening, when, to most of them, the Paper of Instructions put into their hands is scarcely legible.

The Editor has therefore thought proper to prepare the necessary directions in a more convenient form; sincerely hoping that he shall have the thanks, not only of the Surveyors themselves, but of the Public, whose accom-

accommodation he has great satisfaction in thus endeavouring to promote.

It has always been the Editor's opinion, abstractedly from every other consideration of the *public* convenience, that nothing better bespeaks the hospitality of a Nobleman, or Man of Fortune, than a Road leading through his Parish, and particularly to his Mansion, in such a state, as to invite the traveller, or the friend: on the contrary, he has often thought, that few circumstances are, in their first appearance, more unfavourable to personages of that description, than such Roads in their vicinity, as discourage the approach of persons of a timid disposition, or persons who really regard the safety of their lives. The enjoyment of many a day, which would otherwise have been passed with cheerfulness, has been interrupted and destroyed by the consideration, that the same road which was with difficulty waded through in the passage by day, and under every advantage for driving with safety, is to be repassed in

in returning, perhaps under the disadvantages of a dark night, and with attendants probably not quite so *clear* as they should be, from certain mistaken notions of British hospitality. If this Manual should fall into the hands of any Nobleman or Gentleman, in whose neighbourhood the Roads are of the description here mentioned, the Editor hopes he will not only urge the Surveyor's attention to its directions, but be active himself in seeing all the provisions of our very salutary Highway Laws carried into execution. This he is bound to do, if he wishes that his neighbours should visit him with comfort; that his tenants should convey their goods to market without hazard; and that a free communication should be kept open with other parts of the country, to the great convenience of himself and others.

We recommend it to Gentlemen chiefly resident in the country, and we think it an office perfectly consistent with the character of Clergymen, to take this matter into their own hands, with the assistance of an intelligent

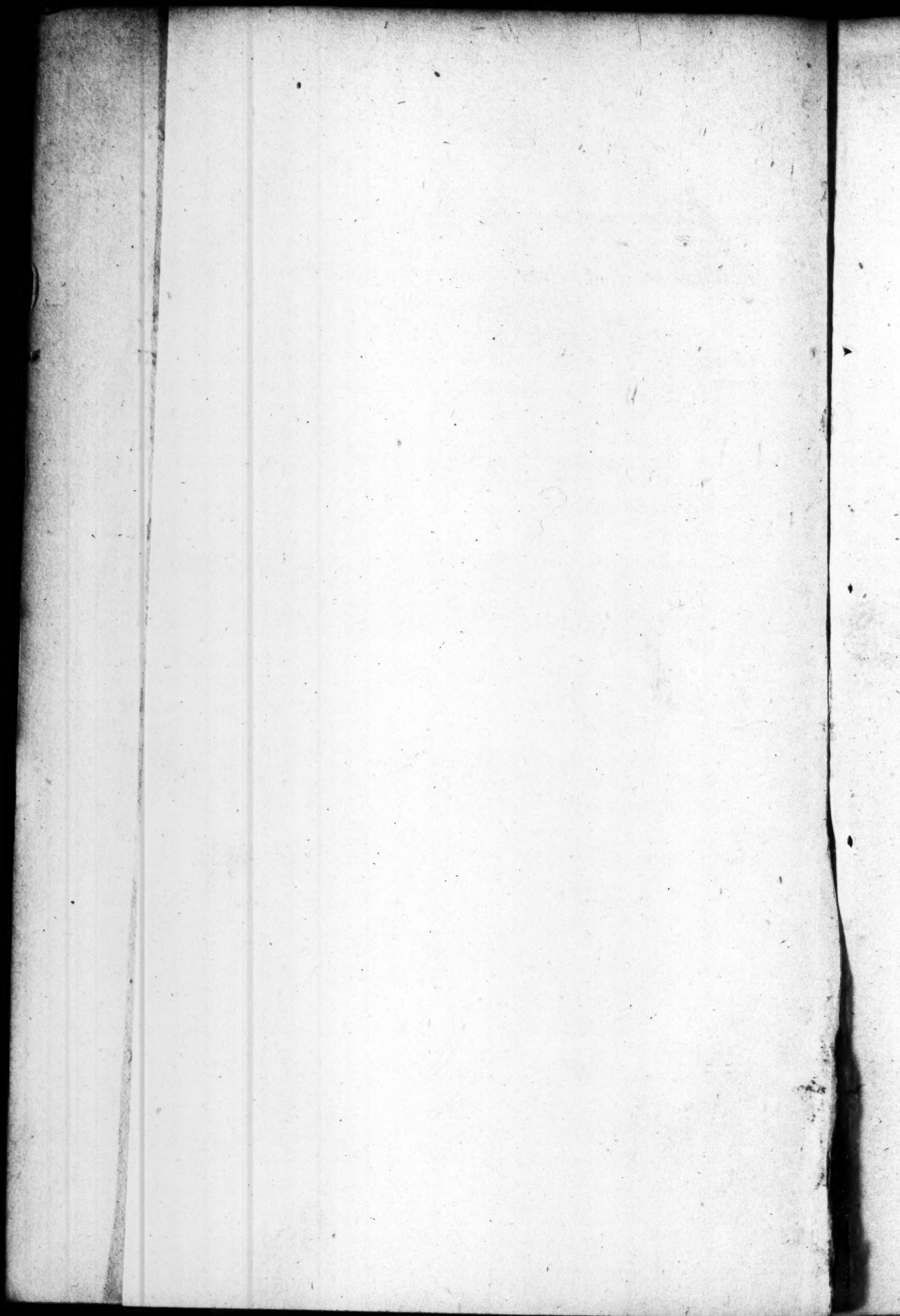
gent farmer. We think that this would prevent all partiality and abuse in the discharge of the office: an attention would then be paid to such parts of the Parish Road as stand in most need of repair; in many instances, the convenient attendance on public religious duties would be promoted; and the work, done under their joint inspection, we conceive, would be executed with greater benefit to the Parish, and more to the satisfaction of the Public at large.

The Warrant to the Surveyor of the Highways, &c.

To wit } **W**E whose Hands and Seals are hereunto set,
at our special Sessions held for this Purpose at
in the County of

Do hereby appoint you and
you both of the
of in the said County, to take
upon you the Office of Surveyors of the Highways
within the said . And we do hereby require
you to discharge the said Office with Industry, Fide-
lity, and Impartiality, in such a Manner as will be
most to your own personal Credit, to the particular
Benefit of your Parish, to the Accommodation of
your Neighbourhood, and to the general Benefit of
the Country.

Given under our Hands and Seals, this
Day of in the
Year of our Sovereign Lord the King, and the Year
of our LORD



[No. 1.] The Appointment of Surveyors.

A VESTRY is appointed to be held in every ^{13 G. 3. c. 78.} Parish on *September 22*, yearly (or, if that should be on *Sunday*, on the 23d), at the Parish Church or Chapel, or, where there is none, at the usual place of public meetings; at which shall be present the Churchwardens, Constables, Surveyors of the Highways, and Householders assessed to the Parochial or public Rates, at the hour of eleven in the forenoon; and the major part of them, so assembled, shall make a list of the names of ten persons living within such district, every one of whom hath an estate in lands, tenements, or hereditaments, lying within such district, in his own right, or in the right of his wife, of the value of £.10 *per annum*, or a personal estate of the value of £.100, or occupieth a tenement of the yearly value of £.30. In smaller parishes a smaller number is required; and if not so qualified, to be of the most sufficient and able inhabitants.

The list is to be returned by the Constable ^{sect. 1.} to the Justices, within three days, who are required to hold a special Session for the Highways in the week next after the *Michaelmas* General Quarter Sessions yearly, to be adjourned, if the Justices shall think fit: and out of this list the Justices shall, by warrant under their hands

B

and

and seals, appoint one or two, or more, according to the size and circumstances of the parish, to serve the office of Surveyor; and the said Justices shall, at their said special Session, deliver to every such Surveyor a Charge for the better performance of his duty, for which the Justice's Clerk is to receive 1s.; and every person, after due notice of his appointment, refusing or neglecting to accept the said office, unless he can shew sufficient cause for such non-acceptance or neglect, shall forfeit £.5.

[No. 2.] Books, Tools, &c.

Sect. 48. You are to receive from the Surveyors of the Highways in the preceding year, a duplicate of such Books relating to your office, as have been delivered to the Churchwarden or Overseer; as also all money remaining in his hands, from the assessment, composition, or otherwise, within the last year. You are likewise to receive all tools, materials and other things, provided at the parish-expence; and you are to remember, that within fifteen days before the special Session next after the *Michaelmas* General Quarter Session, you are to produce your books, and the assessment made within the year, at a public Vestry to be held for that purpose; and afterwards take the same to some neighbouring Justice, at such time as shall be agreed upon at such parish-meeting, and there verify the account, if required, upon oath; to be allowed by the said Justice, if he finds it just, or to be afterwards settled at the special Session, or disallowed, if the particulars objected to are not satisfactorily explained. For any default in the said

said matters, you are to forfeit from £.5 to 40s.; or if you fail in accounting for the money in your hands, you shall forfeit double the value.

[No. 3.] Survey.

You are to take an early opportunity of survey- Seet. 12.
ing the several roads, foot-paths, rails, posts, fences, pits, ditches, trees, bushes, water-courses, &c. within your parish, observing and noting in your memorandum-book every thing which requires your *more immediate* attention, that the preference may be given to such objects; and that nothing may remain unremedied, wherein the life or safety of any of his Majesty's subjects may be concerned.

[No. 4.] Annoyances from Trees, Bushes, &c.

You are not to suffer any nuisance or impediment, Seet. 6. & 13.
whereby the roads are injured, or the traveller is molested or incommoded. No tree, bush, or shrub, is to be permitted to stand or grow within the distance of 15 feet from the centre of the highway; (except trees for ornament or shelter to the house adjoining to the road). You are to give notice to the owners of the land where such trees, &c. grow, to cut down, grub up, and carry away the same; and to acquaint them, that after 10 days notice they will forfeit 10s. for every neglect: but no hedge is compellable to be pruned, or to be cut by you, except between *September 30, and March 31;*

Sect. 7.

nor any timber-trees to be felled, growing in hedges, unless where the highways shall be ordered to be widened; nor any oak trees cut down or grubbed up, growing within such highway, or in such hedges, except in *April, May, or June*; nor any ash, elm, or other tree, except in *December, January, February, or March*.—You are to require possessors of lands adjoining to any highway, to cut, prune, and plash their hedges; and to cut down, or prune and lop their trees in such hedges (except trees for ornament or shelter), that the highway may not be injured by the shade thereof, nor the sun and the air excluded: if the possessors refuse, you are to make complaint to some Justice, and follow his directions.

[No. 5.] Drains, Ditches, Water-courses, &c.

Sect. 12.

You are to see that sufficient ditches, drains, and water-courses, be made, kept open, and cleansed on the sides of the roads, and proper trunks, tunnels, plats, and bridges, made and laid on cartways leading from the road to adjacent lands; and if this is not done, and the hedges, &c. pruned, as before directed, you are, after a notice of 20 days, to do, or cause the work to be done, to recover one penny per foot for every foot in length so neglected, and to be reimbursed all your expences in every of the works aforesaid, over and above the said forfeiture; and if not paid, you are to apply to some neighbouring Justice, who, upon your oath, will order the sum forfeited, and your expences, with all reasonable charges, to be paid.

[No. 6.] Obstructions.

You are to see that no stone, timber, straw, dung, Sec. 9. 10. or other matter for making manure, and that no soil or earth dug out of drains or ditches, be laid within 15 feet of the centre of any highway, or be suffered to remain, if so laid; you are to give notice to have it removed in five days, under a penalty of ten shillings for every such offence, to be levied in consequence of an order from some neighbouring Justice, who may likewise order you the Surveyor, or any other person, to take and dispose of the same to his own use.

You are to take care that no waggon, cart, or Sec. 11. implement of husbandry, be left so near the side of any highway, as to obstruct the free passage of any other carriage of his Majesty's subjects, but shall levy the penalty of ten shillings for every such offence.

[No. 7.] New Ditches.

Where the former ditches, drains, and water-Sec. 14. courses, are found insufficient, you are, by order of one or more Justice or Justices, to make new ditches and drains through the adjacent lands, or any other, in order to carry off the water from the road; and you may go with workmen on such lands, to make proper drains, &c. making satisfaction to the owner, as hereinafter directed, respecting damages in getting materials.

[No. 8.] Cartways, &c.

You are to make and maintain every public Sec. 15. cart-way leading to any market town, 20 feet wide
at

at the least, and every public horse-way or drift-way, eight feet wide at least, if the ground between the fences will admit thereof.

[No. 9.] Widening Roads.

Sec. 22. When two or more Justices shall, upon view, think it proper that any highway in your parish shall be enlarged or turned, or that any old highway should be diverted, or stopped up with the consent of the owner, or that any new ground should be purchased, and the ground or soil of the old road should be sold, you have power to act under their direction and authority, having first received their order in writing, and not otherwise.

[No. 10.] Private and other Repairs of Bridges, &c.

Sec. 24. You are also from time to time to give information, upon oath, before two or more Justices, of all bridges, causeways, or pavements, out of repair, which ought to be repaired by private persons; and the Justices will limit a time for repairing the same, of which you shall give notice to the occupiers or persons liable to such repairs; and if such repairs shall not be effectually made within the time limited, you are to apply to the said Justices, that they may present the same at the next General Quarter Sessions.

Id. And you may make information, on your oath, to any Justice of the Peace, of any highway, causeway, or bridge, not well and sufficiently repaired and amended, and of all other offences done con-

trary to this act, to the end that such Justice may make presentment thereof at the general Quarter Sessions.

You are to amend such roads (not being turn-^{Se^{ct}. 25.} pike roads) *first*, and in such manner as the said Justices at any special Sessions shall in writing, under their hands and seals, order and appoint.

[No. 11.] Direction-Posts.

You are, when required by the precept of the ^{Se^{ct}. 26.} Justices at Special Sessions, to erect stones or direction-posts where several highways meet, with an inscription, in large legible letters, painted on each side, of the names of the next considerable place they lead to; and near the entrances to such parts of highways as are subject to deep or dangerous floods, graduated stones or posts, denoting the depth of water; and such direction-posts or stones as they shall judge necessary for guiding travellers through the floods, under the penalty of 20s. if neglected for the space of three months after such order.

[No. 12.] Materials, how and whence to be had.

You may take rubble or refuse stone (if not ^{Se^{ct}. 27.} collected by the turnpike Surveyor), but not dig in quarries without leave of the owner.

You may search for, and get materials without paying for them, from waste grounds, rivers and brooks, within your parish; and if not sufficient there, then from like places in any other parish, leaving

leaving sufficient for repair of roads there, and not damaging or endangering any building, highway, or ford, or digging within an hundred feet of any bridge, pond, dam or wear, on penalty of 20s. to 5l.

You may gather and carry away stones, or other materials from any land, not inclosed, in your parish, without paying for the same; but you shall make satisfaction to the owner for damage done in carrying them away.

Sect. 27.

You may search for and carry away materials from inclosed grounds within your parish, where sufficient are not to be had upon the waste, or with licence from two Justices in special Session, in any adjoining parish; leaving sufficient for repair of roads therein, making satisfaction as above.

Sect. 32.

Materials dug from another parish shall be removed only from the 1st of *April* to the 1st of *November*, or when the ground is frozen hard; and in general, materials should be so provided, as to be ready to be brought upon the roads in frosty and dry weather.

Sect. 30.

If money is wanting by you for defraying or reimbursing your expences in the services required of you, in getting materials, erecting guide posts, &c. you are to apply to the Justices at their special Sessions, who are empowered, on examination of your account upon oath, to reimburse you by a rate, not exceeding 6d. in the pound.

[No. 13.] Pits fenced, filled up, &c.

Sect. 31.

If, by searching for, or getting materials for repairing the highway, you make or cause to be made,

made, any new pit or hole in any lands or grounds, rivers or brooks, you are forthwith to cause the same to be sufficiently fenced off, and such fence supported and repaired during such time as the same shall continue open; and within three days after the same shall be opened, where no materials shall be found, you are to cause the same to be forthwith filled, levelled, and covered with the turf or clod that was dug out of the same; and where such materials shall be found, within fourteen days after having dug up sufficient materials, you are to cause such pit or hole to be filled up, sloped down, or fenced off, and so continued. Within twenty days after your appointment to this office, you are to cause all such pits and holes as shall be then open, and not likely to be further useful, to be filled up or sloped down: and if they are likely to be further useful, you are to secure the same by posts and rails, or other fences, to prevent accidents to persons or cattle; and in case of your neglect in either of the said cases you forfeit ten shillings; and further, in case of such neglect for six days after receiving notice from any Justice of the Peace, or owner of the ground, &c. you forfeit any sum not exceeding ten pounds, or less than forty shillings.

[No. 14.] List of Occupiers.

You are to enter in a book the name of every occupier of lands, houses, woods, tithes and hereditaments in the parish, and the respective sum each occupier is obliged to contribute for his statute-duty, which is settled by the several Acts.

[No. 15.] Statute-Duty.

34 G. 3. c. 74.
§ 4.

A waggon or cart with three horses or beasts of draught shall be deemed a team, which the owner shall send, furnished after the custom of the country, and attended with two able men, to work on the highways six days in the year, and eight hours in every day between *Midsummer* and *Michaelmas*, when, where, and how you shall direct; this duty shall be a satisfaction for all lands, &c. occupied, not exceeding fifty pounds a year; or may be compounded for, by paying you, one month after the *November* notice, four shillings and sixpence, or such sum as the Justices shall settle to be the daily composition for a team; if four shillings and sixpence, the sum of twenty-seven shillings for a team, and lands, &c. not exceeding fifty pounds a year.

For every other fifty pounds annual rent, the occupier must send a waggon or carriage, furnished with four oxen and one horse, or two oxen and two horses, with two able men, for the same time and purpose, or pay the like composition.

Id. § 4.

For every twenty shillings rent under fifty pounds, and from fifty to an hundred, you are to require one penny for each day's labour: if six days, sixpence for every pound less than, or exceeding fifty; as, if he keeps no team, and rents forty pounds a year, he must pay twenty shillings; if he rents sixty pounds, he will do duty, or compound as for a team for the fifty; and for the exceeding sum, ten sixpences, or five shillings: this composition must be paid in money, at the time other compositions are directed to be paid, or in ten days after, on pain of distress. A person keeping a team, but not occupying to the annual value of thirty pounds, is not obliged to send more than one labourer with such team.

Id. § 2.

If you shall not think such team needful on any of the said days, you may order the persons liable
to

to send teams, to send three able men for every team spared, or pay four shillings and sixpence in lieu thereof; and all such labourers are to bring with them all tools and instruments proper for the purposes aforesaid: and all persons and carriages are diligently to perform their work appointed *eight hours* in each day; and if any of the persons sent with such carts, &c. shall refuse to work, or not work according to the requisitions of the act, you may discharge such team, cart, or labourer, and recover from the owner of such team the forfeiture such person would have incurred, in case no such team had been sent.

Where two horses will be sufficient for one cart, or where a stand cart with one horse shall be necessary, you may call upon any person liable to send a team, &c. who keeps carts and three or more horses to send such carts or horses as you shall direct; and you shall allow every such stand cart and horse as half a team, and every cart and two horses as two thirds of a team; and if a waggon shall be found necessary for any particular business, you may require the duty, or any part of it, to be performed with such waggon by any person who keeps one in your district, who shall send the same, on pain of forfeiting such sum as the duty required shall bear in proportion to the forfeitures, for not performing duty with a team, &c.

Sect. 36.

You are to charge every person occupying lands or houses within your parish, at the rate of one penny in the pound, according to his or her occupancy, for every day's statute labour required for the repair of the highways within your district; and you are to produce the list of persons so charged, to the Justices at the first petty sessions, to be holden next after your appointment.

34 G. 3. c. 74.
§ 4.

4 G. 3. c. 74.
§ 5.

You are to inform the several persons so rated or charged, who have no subsistence but the wages of their daily labour, and who (through age, sickness, numerous family, or misfortune) are reduced to indigent circumstances, that by application to the said petty sessions, and proving their situation to be such as above stated, they may be relieved from the said charge.

[No. 16.] Composition.

13 G. 3. c. 73.
§ 41.

You shall, on two succeeding *Sundays* in *November*, give ten days notice in the church or chapel, or else at the most public place in the parish, when and where persons may signify their intentions to compound, and to pay the composition required; which, if paid in one month after such notice, the persons so paying shall be exempt from statute-duty that year; but no composition shall be allowed, if not paid at the time fixed by that notice; unless lands shall change their occupiers after the time prescribed; in which case, the new occupiers shall be permitted to compound, upon paying their composition in fourteen days after their entering on their land; and tenants designing to quit in six months after the time of compounding, shall pay one half, and the next occupiers the other half, of the composition required.

FORM OF NOTICE FOR COMPOSITIONS.

Notice is hereby given, that all persons who are inclined to compound for their statute-duty with tithes, &c. within the parish of *are hereby required to*

to signify their intention to compound for the same to the surveyor or surveyors of the highways for the said parish, at the house of _____ on the _____ day of this instant, _____ between the hours of _____ and _____ and they are hereby required, at the same time, or within the space of one month after, to pay their composition-money to the said surveyor; and also, that all persons who are liable to pay money for the lands, tenements, woods, tithes, and hereditaments, which they occupy, or in lieu of their duty within the said parish, according to the Act made in the thirteenth year of his Majesty King George the Third, "For the amendment and preservation of the Highways," are required to pay the same to the said surveyor or surveyors on the day, or within the time aforesaid.

Dated the _____ day of _____ 17 _____ Surveyor.

But you are to take notice, that any person liable to send teams, &c. may compound for the same if he thinks fit, by paying to you such sums as the Justices at their special Sessions, to be held in the week after *Michaelmas* Quarter Sessions in every year, shall judge reasonable, not exceeding six shillings, nor less than three shillings, for each day's default; and in default of their adjudging the same, four shillings and sixpence in lieu of every such day's duty for each team; and for every cart and one beast of draught, two shillings, and for every cart and two beasts of draught, three shillings, in lieu of every day's duty; and every other inhabitant liable, and not chargeable in any other respect, may, if he thinks fit, compound, by paying to you fourpence in lieu of every such day's labour.

Sec. 38.

[No. 17.] Persons keeping small
Cart, or Coach, &c.

34 G. 3. c. 74. § 2. You are to require of every person keeping one cart or more (though not a team), with one or two horses, or beasts of draught only, to perform his statute-duty with such carts, horses, or beasts; and one labourer to attend each cart, or to pay for the lands, &c. which he occupies at the penny rate above mentioned, at your option. And every person keeping a coach or other wheel carriage, but not keeping a team, or draught, nor occupying £.50 *per annum* in the parish wherein he resides, shall pay one shilling per day for every draught-horse, or shall pay according to the value of the lands, &c. which he occupies, at your option.

[No. 18.] Persons occupying under
£.50 *per annum*.

Id. § 4. If any person keeps a team or draught, but shall occupy lands and tenements under the value of fifty pounds a year, he shall pay 6d. in the pound for all lands and tenements, tithes and hereditaments which he shall occupy.

[No. 19.] Composition of Persons
keeping Team or Draught, with
small Rents.

13 G. 3. c. 78. § 34. Every person keeping a team, &c. not occupying £.30 *per annum*, shall not be obliged to send more

more than one labourer with such team, draught, or plough.

[No. 20.] Notice of Duty, &c.

You are to give, or leave at the place of abode ^{Stat. 37.} of every person chargeable, four days notice at least of the day, hour, and place required for his duty; and every person making default in sending such wain, cart or carriage, with such men, agreeably to such notice, shall forfeit ten shillings for each default; and for not sending such cart with two horses and one man, five shillings; and for not sending a cart with one horse and one man, three shillings; and for not sending such labourer, or not performing such labour, or paying such composition, one shilling and six-pence, unless excused by poverty, as above mentioned.

You are fairly and equally to require such duty ^{14.} without partiality; and if it shall not be necessary to call forth the whole duty in any year, you are to abate, in an equal proportion, amongst all persons liable to the same; and you are to proceed with all convenient speed after default made for recovery of the forfeitures.

[No. 21.] Labour in Kind.

If it should appear to the Justices, at their special ^{34 G. 3. c. 74.} Sessions in the week after *Michaelmas* Sessions, that there will be difficulty in procuring necessary carriages, or a sufficient number of labourers, without paying extravagant prices, they will, upon your application, direct what team-duty shall be performed in kind, by persons liable to send teams, or labourers to perform duty in kind, in the whole or ^{§ 6.} in

in part; and in that case you are, at a public vestry, to put the names of all persons liable to send teams into one box or hat, and the names of all persons liable to perform labour into another, and some inhabitant present shall draw out such number from each as shall be equal to the proportion ordered by the Justices: and the persons drawn shall perform such duty in kind for that year; but the names drawn in the preceding year shall not be put into the box or hat in the succeeding year, and such order of the Justices shall continue till the next special Sessions after *Michaelmas* for the next year.

[No. 22.] Justices Power to mitigate, &c.

^{13 G. 3. c. 78.}
^{§ 40.} In case any person shall keep a team, &c. and not occupy lands to £.30 per annum in the parish where he resides, but shall partly maintain his beasts of draught from lands which he occupies in any adjacent parish, the Justices may mitigate the duty or composition required from such person as they think reasonable.

[No. 23.] Change of Inhabitancy.

And where the occupation shall be changed after the time appointed for the composition, the new inhabitant shall be allowed to compound, so as he pay the composition-money within 14 days after coming to reside there; and every occupant intending to quit possession within six calendar months from the time fixed for making such composition, may compound for half the duty, and the succeeding
ing

ing tenant may, in that case, perform the duty in kind for the other half-year; and if you shall receive from any person a composition for more duty than shall be required from the other inhabitant for the same year, you shall repay the same, and make the duty equal.

[No. 24.] Suspension of Road Duty.

The inhabitants in vestry may appoint three Sect. 43. months in the year in which no statute duty shall be performed; one month in the spring, to be called the seed month; one other month in the summer, for the hay harvest; and one other month in the summer, for the corn harvest: provided they give you notice of the time so by them appointed, within 3 days after such meeting, and 14 days at least before the beginning of each of such months.

[No. 25.] Compositions to Turnpike.

Where any turnpike road runs through your dis- Sect. 44. trict, and any persons liable by act of parliament to do statute duty thereon, may have compounded for the same, you are to pay to the treasurer of such turnpike a part of the composition-money, in proportion to the number of days duty which such persons were liable to do on such turnpike road, to be laid out in such part of the turnpike road as lies within your parish; and if you refuse payment, such part of the composition received by you within 20 days after receipt thereof, upon demand by them made, the same may be levied upon your goods and chattels.

[No. 26.] Rate in aid of Composition.

Sect. 45, 46

You may apply to Justices at their special Sessions for an assessment for raising a sum to defray the expence of getting materials from private grounds in other parishes, for making satisfaction to owners, for drains going through their lands, or for trunks, tunnels, plats, bridges or arches in the same, and keeping them in repair; for your salary, if any be payable; and for guide-posts, and other posts and stones, upon oath first made that you have expended such a sum, or that the sum you apply for will be wanted for such purposes—provided that this assessment shall not exceed sixpence in the pound. But no assessments for buying materials, &c. shall exceed 9d. in the pound in any one year.

[No. 27.] Penalties in case of interested Contracts.

Sect. 49.

If a sufficient quantity of materials, &c. cannot be provided, and carried by the labourers and teams required, you may contract for the getting or carrying thereof in the presence of the assistant, if any appointed, at a meeting to be held for that purpose, after ten days notice in writing fixed at the church door, specifying the work to be done, and the time and place for letting thereof; but if you shall have any part or share, directly or indirectly, in such or any other contract for work or materials, on account of the highways, roads, bridges, or works under your care, or shall directly or

or indirectly let to hire any team, or fell and dispose of any timber, &c. to be used about the said roads, bridges or works (unless a licence in writing be first obtained from some Justice within the limit for that purpose), you forfeit for every offence 10l. and will be for ever after incapable of being employed as a Surveyor with a salary.

If you neglect any of the duties required, for Sect. 50. which no penalty is imposed, you forfeit for every offence not exceeding 5l. nor less than 10s. at the Justice's discretion.

[No. 28.] Horse and Foot Causeways.

You are, where necessary, to secure horse causeways and foot causeways, by post blocks or great stones fixed in the ground, or by banks of dirt cast up, from being broken and spoiled by carriages; and all persons who shall remove or damage the said posts, &c. and drive upon such banks, or against the sides of them, or damage or throw down stones, bricks, or wood fixed on the parapets of bridges, or pull down, obliterate or deface mile stones, posts graduated, or direction posts, shall forfeit from 10s. to 5l. for every offence, at the discretion of the Justices, and for non payment, be committed to hard labour for not less than seven days, and not exceeding one month. Sect. 52.

[No. 29.] Forfeitures, how to be disposed of, and for what Offences.

You are to receive half the penalty, or the Sect. 72. & 55. whole if you are the informer; which information

it is your duty to make, if any waggon shall be drawn on roads not being turnpike, having 9-inch wheels, with more than eight horses, or carts with more than five; or if any waggon with 6-inch wheels, and rolling nine inches, shall be drawn with more than seven; or any waggon, rolling only six inches, shall go with more than six; or any such cart with more than four; or if any waggon with wheels of less breadth than six inches at bottom, shall draw with more than five, or cart with more than three, the forfeiture being 5l. on the owner, and 10s. the driver, for every horse above the number allowed, except carriages rolling 16 inches.

Sect. 59.

Or if any owners of waggons and carts, and also of coaches, post-chaises, or other carriage let to hire, shall not have their true Christian and surnames, and places of abode, painted, and continued to be painted, in large legible characters, on some conspicuous part of the waggon or cart, and on the pannels of the doors of the coaches, &c. or if the owner of any common stage-waggon, or cart employed as travelling from town to town, shall not, besides the Christian and surname, have painted in the same manner the words "Common Stage-Waggon (or) Cart," as the case may be, the forfeiture being not more than 5l. nor less than 20s.

Sect. 60.

Or if any driver of a cart, dray, or waggon, shall ride thereon in any street or highway, without some person on foot or on horseback to guide the same, or some person holding the reins of the horses drawing the same; or if the driver of any carriage whatsoever shall by negligence or wilful misbehaviour damage any person or carriage in such highway, or shall quit the highway, and go on the other side of the fence that encloses the road, or wilfully

wilfully be at such a distance as not to have the direction of the horses, or thereby interrupt the free passage of carriages or passengers ; or if the driver of any unloaded waggon, cart or carriage, refuse or neglect to turn aside and make way for any coach, chariot, post-chaise, or loaded carriage ; in which cases, every such driver, if not owner, forfeits a sum not exceeding 10s. and if he be owner, not exceeding 20s. or be committed not exceeding one month, at the discretion of the Justice : and you, or any person, seeing the offence, may apprehend such driver without a warrant, and deliver him to a peace-officer, to be conveyed before a Justice of the Peace,

[No. 30.] Levying Assessments.

Any person refusing to pay the sums assessed upon him in pursuance of the Act, within ten days after demanded, you, or any person authorised by a warrant of a Justice of the Peace having jurisdiction therein, may levy the same by distress and sale of the goods and chattels of the person so refusing or neglecting, rendering the overplus to the owner, after deducting the necessary charges of making such distress and sale ; and in default of such distress, any Justice may commit the person so refusing to gaol, until the sum assessed, and the charges of the distress, be paid. Sect. 67.

And every person who shall resist any persons employed in the due execution of this act, or who shall rescue any cattle or goods distrained, and every Constable, Headborough, or Tythingman, refusing or neglecting to execute the Justice's warrant, shall, on conviction before one Justice, forfeit Sect. 71.

feit from 40s. to 10l. at the discretion of the Justice, to be paid to you, to be laid out in repairing the highway ; and if not paid on conviction, or secured to be paid, then the person to be committed for any time not exceeding three months, unless the said forfeiture shall be sooner paid.

[No. 31.] Surveyor to be impartial.

Sec. 37. You must be impartial in requiring statute-duty ; and where the whole shall not necessarily be called forth, an equal proportion shall be demanded of every person liable thereto : you must apply to some Justice of the division ; for recovering every penalty incurred by this act, and ought to do so *soon* after it is incurred, that all penalties may be received before the end of *August* ; if any happen after, they should be levied immediately, that you may be able to settle your accounts in proper time.

[No. 32.] Accounts.

You must keep exact accounts during the whole time of your continuance in office ; and a month at least before the end of the year, you should have collected every composition, penalty, and assessment raised by authority of this act. Every sum of money received or paid by you as surveyor, must be exactly and fairly entered in a book ; and if by unavoidable accident any of these should be uncollected,

lected, they should be all carefully entered, and from whom they are due, that your successor may collect and receive them ; but this may, and ought to be prevented, by applying in time to a Magistrate, to enforce the payment of compositions, penalties, and assessments, soon after they become due.

CONCLUSION.

You have here before you, I hope, a tolerably correct, certainly a more plain and intelligible Form of Instructions, in your duty of a Parish Surveyor of the Highways; and there is no doubt that if you proceed in your office with industry, fidelity, and impartiality, you will not only deserve well of the Public, but contribute to your own and your neighbour's benefit and advantage: for certain it is, that good Roads, and commodious Bridges, are a security against the dangers which are occasioned by a sudden overflow of waters; render communication more easy, and more secure; distant markets more accessible, and with less strength of draught, and less damage to carriages and tackle; and, in a word, promote the riches, the comfort, and perhaps in some degree the health of the neighbourhood, by preventing that kind of stagnation which is occasioned by waters lying on roads, rendering them in a manner impassable with ease or pleasure during several months of the year.

It is hoped that you will consider the objects herein set before you, as of sufficient importance to call forth your exertions; and you have a right to expect, that whilst you, on your part, are diligent and active in the service of your neighbours, they will not be backward in rendering you their utmost assistance, as the Law requires, and in cheerfully paying their several Compositions on demand, without obliging you to waste your time in repeated applications, and particularly without treating you with incivility and rudeness when such applications are made.

I N D E X.

APPOINTMENT of Surveyors	-	-	Page 9
Annoyances from Trees, Bushes, &c.	-	-	11
Accounts	-	-	30
Books, Tools, &c.	-	-	10
Cartways, &c.	-	-	13
Composition	-	-	20
———— of Persons keeping Team or			
Draught, with small Rents	-	-	22
Change of Inhabitaney	-	-	24
Compositions to Turnpike	-	-	25
Drains, Ditches, Watercourses, &c.	-	-	12
Direction Posts	-	-	15
Forfeitures, how to be disposed of, &c.	-	-	27
Horse and Foot Causeways	-	-	27
Justices Power to mitigate, &c.	-	-	24
List of Occupiers	-	-	17
Labour in kind	-	-	23
Levyng Assessments	-	-	29
Materials, how and whence to be had	-	-	15
New Ditches	-	-	13
Notice of Duty, &c.	-	-	23
Obstructions			

Obstructions	-	-	-	-	-	Page 13
Private and other Repairs, &c.	-	-	-	-	-	14
Pits fenced, filled up, &c.	-	-	-	-	-	16
Persons keeping small Cart, or Coach, &c.						22
—— occupying under £.50 per annum						22
Penalties in case of interested Contracts	-	-	-	-	-	26
Rate in aid of Composition	-	-	-	-	-	26
Survey	-	-	-	-	-	11
Statute Duty	-	-	-	-	-	18
Suspension of Road Duty	-	-	-	-	-	25
Surveyor to be impartial	-	-	-	-	-	30
Widening Roads	-	-	-	-	-	14

